

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to explosive materials including blasting
2 agents, detonators, and destructive devices, and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 101A.1, subsections 1 and 4, Code 2023,
2 are amended to read as follows:

3 1. "*Blasting agent*" means any material or mixture consisting
4 of a fuel and oxidizer, intended for blasting but not otherwise
5 classified as an explosive, in which none of the finished
6 products as mixed and packaged for use or shipment can be
7 detonated by means of a number eight test blasting cap when
8 unconfined. "Blasting agent" includes any material or mixture
9 intended for blasting that meets the requirements of 49 C.F.R.
10 pt. 173, subpt. C.

11 4. "*Explosive materials*" means explosives, ~~or~~ blasting
12 agents, and detonators.

13 Sec. 2. Section 101A.1, Code 2023, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 2A. "*Destructive device*" means any of the
16 following:

17 a. Any explosive, incendiary, chemical or biological poison,
18 or poison gas which is any of the following:

19 (1) A bomb.

20 (2) A grenade.

21 (3) A rocket having a propellant charge of more than four
22 ounces.

23 (4) A missile having an explosive or incendiary charge of
24 more than one-quarter ounce.

25 (5) A mine.

26 (6) A booby trap.

27 (7) A Molotov cocktail.

28 (8) A bottle bomb.

29 (9) A vessel or container intentionally caused to rupture or
30 mechanically explode by expanding pressure from any gas, acid,
31 dry ice, or other chemical mixture.

32 (10) Any similar device, the primary or common purpose of
33 which is to explode and to be used as a weapon against any
34 person or property.

35 b. Any combination of parts designed or intended to be

1 converted into a destructive device as defined in paragraph "a".

2 *c.* The term "*destructive device*" does not include any of the
3 following:

4 (1) A device that is neither designed nor redesigned for use
5 as a weapon to be used against person or property.

6 (2) A device, originally designed for use as a weapon,
7 that is redesigned for use as a signaling, pyrotechnic,
8 line-throwing, safety, or similar device.

9 (3) A surplus ordnance sold, loaned, or given by the
10 secretary of the army pursuant to 10 U.S.C. §4684(2), 4685, or
11 4686.

12 (4) Any device the state fire marshal determines is not
13 likely to be used as a weapon or that is an antique.

14 (5) Any device possessed under circumstances negating an
15 intent that the device be used as a weapon against any person
16 or property.

17 NEW SUBSECTION. 2B. "*Detonator*" means any device containing
18 an initiating or primary explosive that is used for initiating
19 detonation. Excluding ignition or delay charges, a detonator
20 shall not contain more than ten grams of explosive material
21 per unit. "*Detonator*" includes an electric detonator of
22 instantaneous or delay type, a detonator for use with safety
23 fuses, a detonating cord delay connector, and a nonelectric
24 detonator or instantaneous or delay type which consists of
25 a detonating cord, shock tube, or any other replacement for
26 electric leg wires.

27 Sec. 3. Section 712.5, Code 2023, is amended by striking the
28 section and inserting in lieu thereof the following:

29 **712.5 Reckless use of fire, explosives, or destructive**
30 **devices.**

31 Any person who uses fire, explosives, or destructive
32 devices, as defined in section 101A.1, to recklessly endanger
33 the property or safety of another shall be guilty of a serious
34 misdemeanor.

35 Sec. 4. Section 712.6, Code 2023, is amended to read as

1 follows:

2 712.6 Explosive materials or incendiary materials or
3 destructive devices.

4 1. A person who possesses any ~~incendiary or explosive device~~
5 ~~or material~~ or destructive device as defined in section 101A.1
6 with the intent to use such device or material to commit a
7 public offense shall be guilty of a class "C" felony.

8 2. a. A person who possesses any ~~incendiary or explosive~~
9 ~~device or material~~ or destructive device shall be guilty of an
10 aggravated misdemeanor.

b. This subsection does not apply to a person holding a valid commercial license or user's permit issued pursuant to chapter 101A, provided that the person is acting within the scope of authority granted by the license or permit.

15 3. A person who, with the intent to intimidate, annoy, or
16 alarm another person, places a simulated explosive or simulated
17 incendiary destructive device in ~~or near an occupied structure~~
18 ~~as defined in section 702.12~~ a place that the person knows,
19 intends, or reasonably believes is likely to cause public alarm
20 or inconvenience, is guilty of a serious misdemeanor.

21 4. A person who uses any explosive material or destructive
22 device to commit any public offense or who possesses any
23 explosive material or destructive device during the commission
24 of a felony shall be guilty of a class "C" felony.

25 Sec. 5. Section 724.1, subsection 1, paragraph c, Code 2023,
26 is amended to read as follows:

~~c. A bomb, grenade, or mine, whether explosive, incendiary,~~
~~or poison gas; any rocket having a propellant charge of more~~
~~than four ounces; any missile having an explosive charge of~~
~~more than one-quarter ounce; or any device similar to any of~~
~~these~~ A destructive device as defined in section 101A.1.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to explosive materials including blasting

1 agents, detonators, and destructive devices.

2 For purposes of Code chapter 101A (explosive materials),
3 the bill makes changes to definitions. The bill amends the
4 definition of "blasting agent" to include any material or
5 mixture intended for blasting that meet the requirements of
6 49 C.F.R. pt. 173, subpt. C (federal regulations relating to
7 the transportation of hazardous materials). The definition of
8 "explosive materials" is amended to include detonators.

9 The bill defines "detonator" as any device containing an
10 initiating or primary explosive that is used for initiating
11 detonation, and includes an electric detonator of instantaneous
12 or delay type, a detonator for use with safety fuses, a
13 detonating cord delay connector, and a nonelectric detonator
14 or instantaneous or delay type which consists of a detonating
15 cord, shock tube, or any other replacement for electric leg
16 wires.

17 The bill defines a "destructive device" as any explosive,
18 incendiary, chemical or biological poison, or poison gas which
19 is any of the following: a bomb, a grenade, a rocket having a
20 propellant charge of more than four ounces, a missile having
21 an explosive or incendiary charge of more than one-quarter
22 ounce, a mine, a booby trap, a Molotov cocktail, a bottle
23 bomb, a vessel or container intentionally caused to rupture
24 or mechanically explode, and any similar device, the primary
25 or common purpose of which is to explode and to be used as a
26 weapon against any person or property. The bill provides that
27 a "destructive device" does not include: a device that is
28 neither designed nor redesigned for use as a weapon to be used
29 against person or property; a device, originally designed for
30 use as a weapon, that is redesigned for use as a signaling,
31 pyrotechnic, line-throwing, safety, or similar device; a
32 surplus ordnance sold, loaned, or given by the secretary of
33 the army; any device that the state fire marshal finds is not
34 likely to be used as a weapon or that is an antique; or any
35 device possessed under circumstances negating an intent that

1 the device be used as a weapon against any person or property.

2 The bill provides that any person who uses fire, explosives,
3 or destructive devices as defined in the bill to recklessly
4 endanger the property or safety of another is guilty of a
5 serious misdemeanor. A serious misdemeanor is punishable by
6 confinement for no more than one year and a fine of at least
7 \$430 but not more than \$2,560.

8 The bill provides that a person who uses an explosive
9 material or destructive device as defined in the bill to commit
10 any public offense or who possesses an explosive material or
11 destructive device during the commission of a felony is guilty
12 of a class "C" felony. A class "C" felony is punishable by
13 confinement for no more than 10 years and a fine of at least
14 \$1,370 but not more than \$13,660.

15 The bill amends the definition of "offensive weapon" to
16 include the definition of a destructive device as defined in
17 Code section 101A.1. Any unauthorized person who knowingly
18 possesses an offensive weapon commits a class "D" felony. A
19 class "D" felony is punishable by confinement for no more than
20 five years and a fine of at least \$1,025 but not more than
21 \$10,245.